



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

ZONING MAP CHANGE REPORT



Meeting Date: June 1, 2015

Table A. Summary				
Application Summary				
Case Number	Z1400038		Jurisdiction	City (pending annexation)
Applicant	City of Durham		Submittal Date	November 10, 2014
Reference Name	Hopson Road Self-Storage Center		Site Acreage	6.982
Location	4812 Hopson Road, south side of Hopson Road and west of NC 54 Highway.			
PIN(s)	0747-03-33-6832			
Request				
Proposed Zoning	Commercial General with a development plan (CG(D))		Proposal	Commercial development of 400,000 square feet
Site Characteristics				
Development Tier	Compact Neighborhood Tier			
Land Use Designation	Office			
Existing Zoning	Residential Rural (RR), Commercial Neighborhood (CN)(County Jurisdiction)			
Existing Use	Vacant			
Overlay	None	Drainage Basin	Lower Neuse	
River Basin	Neuse	Stream Basin	Stirrup Iron Creek	
Determination/Recommendation/Comments				
Staff	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.			
Planning Commission	Approval, 10-0 on April 14, 2015. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report. See Attachment 16 for summary.			
DOST	No comments.			
BPAC	See Attachment 15.			

A. Summary

This is a request to change the zoning designation of a 6.982-acre site from RR (5.759 acres) and CN (1.223 acres) to CG(D) for a proposed maximum development of 400,000 square feet of commercial uses. The site is located at 4812 Hopson Road, south side of

Hopson Road and west of NC 54 Highway (see Attachment 1, Context Map). This zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Office. A plan amendment, case A1400010, has been requested to change the designation of this site to Commercial. Should the plan amendment be approved, this request would be consistent with the Comprehensive Plan and other applicable plans and ordinances.

This project is currently in the County's jurisdiction but is associated with an annexation request. Council will consider this zoning map change as part of a consolidated land use item which will include decisions on Annexation, Utility Extension Agreement, and this zoning map change request as an "initial" zoning of newly annexed land where the City is an applicant.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests on this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 14, Development Plan reduction) provides the required elements for zoning map change requests in the CG(D) district (Sec. 3.5.6.D, Sec. 6.10.1.D).

Pursuant to Section 3.5.6.D.10, additional approvals can be sought through the development plan process. This application is requesting that a fence exceeding four feet in height be permitted in the street yard. Typically, a fence greater than four feet in height would require approval through the Board of Adjustment of a Minor Special Use Permit. The details supporting this request such as the location of the fence and the fence details have been committed to on the development plan (see Attachment 14, Development Plan). Generally, the applicant is proposing an ornamental fence of iron, aluminum, or approved equal, along the frontage of the site on Hopson Road.

In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards regarding limitation of peak hour trips and dedication of right-of-way along Hopson Road.

Graphic Commitments. Graphic commitments include the general location of three site access points, the building and parking envelope, and the location of a fence along Hopson Road.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify the committed design elements proposed for the site.

Determination. If the requested CG(D) zoning district is approved, this request would allow for a range of commercial and/or office uses not to exceed 400,000 square feet.

Additional Approval Requested. In lieu of a Minor Special Use Permit, the applicant is seeking approval of a fence greater than four feet in height in the street yard along Hopson Road by including the required details on the development plan. The applicant shows an 8-foot high iron, aluminum, or approved equal, ornamental fence in the Hopson Road street yard along with the fence detailing sufficient to satisfy these requirements.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested CG zoning district is not consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Office. However, a plan amendment, case A1400010, to designate this site to Commercial is under consideration. Staff is supporting this request. Should the plan amendment be approved, the subject request would be consistent with the *Comprehensive Plan* and other adopted plans and policies.

Comprehensive Plan policy 2.2.4c, Compact Neighborhood Zoning, states that Design District zoning shall be applied to all Compact Neighborhoods. Rather than support piece meal design district requests, staff has been directed to evaluate the boundaries and land use (existing uses, future land use map, and zoning map) of all Compact Neighborhood Tiers and provide a recommendation to holistically address this policy. This effort is presently underway; however, as staff is in the early stages of this evaluation, no recommendations have been made at this time.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.8. A proposed bicycle lane along Hopson Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.8. If approved, this

project is not required to construct road improvements along Hopson Road and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. This 6.982-acre site is a single parcel location at 4812 Hopson Road, on the south side of Hopson Road and west of NC 54 Highway. The site is mostly forested with pine trees. A stream and associated wetlands and floodway fringe borders the western property line and a 50-foot Duke Power Line Distribution easement borders the eastern property line.

Area Characteristics. The site is in a Compact Neighborhood Tier and within ½ mile of the proposed TTA Rail Station, Triangle Metro Center. The area surrounding Triangle Metro Center was designated as a Compact Neighborhood Tier with the implementation of the 2005 *Comprehensive Plan* and is primarily dominated by employment centers with multifamily residential projects more recently being developed. The Research Triangle Park is within ½ mile north of the site. Major roadways serving the area include I-40, I-540, NC 147, NC 54 and NC 55. The surrounding zoning districts include OI, OI(D), CC, CN, RR, and IL(D).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed CG(D) district meets the ordinance requirements in relation to development on the subject site. The CG district is intended to allow development with a wide variety of commercial activities of varying scales and sited convenient to automotive traffic. This area is predominantly a regional employment node where multifamily development has recently been developed and situated within close proximity to the regional transportation system.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CG(D) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease student generation by six students, increase water demand by 46,805 gallons per day, and increase daily traffic by 419 trips. The existing infrastructure has available capacity to meet these needs.

Water and Sewer. This site is currently in the County and does not presently have access to the adequate water improvements that would be required of this development. However, a Utility Extension Agreement has been submitted to the City of Durham for these services.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request is consistent with the *Comprehensive Plan* and applicable polices and ordinances.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Tim Sivers, Horvath Associates, PA	Ph: 919-490-4990	tim.sivers@horvathassociates.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Northeast Creek StreamWatch
- TTA Station Sites
- Partners Against Crime – District 4
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – Town of Cary

K. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments:

Table K. Supporting Information		
		1. Context Map 2. Future Land Use Map 3. Aerial Photography 14. Development Plan Reduction
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
14. Development Plan Reduction

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CG	Commercial General - the CG district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares. It is the intent of this district to provide sufficient size and depth of property to meet business needs, yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic. Development in the CG District should provide safe pedestrian access to adjacent residential areas.
(D)	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – CG			
	Code Provision	Required	Development
Minimum Lot Width (feet)	6.10.1.D	50	400
Maximum Street Yard (feet)	6.10.1.D	15	15
Minimum Side Yard (feet)	6.10.1.D	10	10
Minimum Rear Yard (feet)	6.10.1.D	15	15
Maximum Height (feet)	6.10.1.D	90	90

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	Tree coverage is not required for projects developed utilizing Compact Neighborhood Tier standards.	
Stream Protection (buffer in feet)	8.5.4.B	50	50

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North, East, and West	Project boundary buffers are not required for this project with the Compact Neighborhood Tier unless adjacent to residential property in the Suburban Tier (see South below)		
South	RR	0.6/0.8	0.8 (37.5 feet) (width if reduced)

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 400,000 square feet of floor area.	D100
	Building/Parking Envelope has been appropriately identified.	D100
	Project Boundary Buffers are appropriately shown.	D100
	Stream Crossing. None proposed.	N/A
	Access Points. One site access point has been identified.	D100
	Dedications and Reservations. See text commitments.	Cover, D100
	Impervious Area. 85% (5.521 acres)	D100
	Environmental Features. A streams and stream buffer has been identified as shown.	D100
	Areas for Preservation. None.	N/A
	Tree Coverage. Not required for projects within the Compact Neighborhood Tier.	N/A
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of site access point. 2. Location of building and parking envelope. 3. Location of ornamental fence. 	D100
Text Commitments	<ol style="list-style-type: none"> 1. The combination of uses shall not exceed 150 peak hour trips. 2. Prior to issuance of a building permit: dedicate additional right-of-way for the frontage of the site along Hopson Road as illustrated on sheet D100. 	Cover
SIA Commitments	None Provided.	N/A
Design Commitments	<ol style="list-style-type: none"> 1. <u>Architectural Style:</u> elements as indicated below. 2. <u>Rooflines:</u> flat and sloped roofs, singly or in combination. 3. <u>Building Materials:</u> choice or combination of metal, stucco, brick, block, stone, EIFS, vinyl, and fiber cement board with visible trim and accents. Metal shall not to be used as the primary material on a front façade of buildings located within 75 feet of the right-of-way line along Hopson Road. 4. <u>Architectural Features:</u> (for buildings within 75 feet of Hopson Road) a choice or combination of store front 	Cover

Table D5. Summary of Development Plan		
	<p>window(s), corner tower elements(s), and parapet wall(s).</p> <p>5. <u>Context Area</u>: the development will be consistent with the existing uses and development pattern of the area.</p>	

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Office: Land used primarily for office uses.</p> <p>Commercial (proposed): Land used primarily for retail, entertainment, office, and services.</p> <p>Compact Neighborhood Tier: areas identified for high density and intensity infill, redevelopment, and new development that integrate a mix of uses through an urban fabric that includes enhanced bicycle and pedestrian facilities. This tier is expected to have an improved street level experience and discourage auto-oriented and low intensity uses.</p>
2.1.2e	Compact Neighborhood Tier Defined. This tier consists of areas surrounding proposed fixed guideway transit stations. These are areas identified for high density and intensity infill, redevelopment, and new development that integrate a mix of uses through an urban fabric that includes enhanced bicycle and pedestrian facilities. This tier is expected to have an improved street level experience and discourage auto-oriented and low intensity uses.
2.2.4a	Compact Neighborhood Tier Development Focus. Ensure development enhances the street-level experience and provides a mixture of goods and services near transit stations by required that development be transit-, bicycle-, and pedestrian-oriented. Auto-oriented and low-intensity uses shall be discouraged.
2.2.4b	Compact Neighborhood Development Tier Land Uses. Utilize a Design District for all Compact Neighborhoods through the Compact Neighborhood Plan process in order to make use of form-based code principles, create alternatives to automobile use, and create more “24-hour” places. If a plan has not been implemented the following uses are permitted: Recreation and Open Space, Residential, Institutional, Commercial, Office, and Industrial, limited to Light Industrial uses.
2.2.4c	Compact Neighborhood Zoning. Design District zoning shall be applied to all Compact Neighborhoods.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
2.3.1e	Expansion of Commercial Nodes: Through the Unified Development Ordinance, and in evaluating requests for expansions to existing commercial nodes, require that the proposed development be designed to be integrated with the rest of the existing node to promote pedestrian and vehicular circulation.

Table E. Adopted Plans	
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Shopping center (Southpoint Mall), vacant	CC(D)	F/J-B, MTC
East	Bank, shopping center, hotel, office, multi- and single-family residential, vacant	MU(D), CN(D), RR	F/J-B
South	Single-family residential, place of worship, vacant	RR	F/J-B
West	Single-family residential, vacant	RR	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Hopson Road and S. Miami Boulevard (NC 54) are the major roads impacted by the proposed zoning change. NCDOT project (U-4716) will construct a grade separation of the railroad crossing on Hopson Road to the west of the site. The NCDOT project is currently under construction and is expected to be complete in late 2015.		
Affected Segments	South Miami Boulevard (NC 54 Highway)	Hopson Road
Current Roadway Capacity (LOS D) (AADT)	37,900	11,200
Latest Traffic Volume (AADT)	21,000	12,000
Traffic Generated by Present Designation (average 24 hour)*	1,069	
Traffic Generated by Proposed Designation (average 24 hour)**	1,488	
Impact of Proposed Designation	+419	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Hopson Road: 2-lane city/county Class II arterial roadway without left-turn lanes

S. Miami Boulevard (NC 54): 4-lane undivided Class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RR: 8 single-family lots, CN: 2,000 SF fast-food restaurant with drive-up window

**Assumption- (Max Use of Existing Zoning) – CG (D): 3,000 SF fast-food restaurant with drive-up window

Table G2. Transit Impacts
Transit service is provided within one-quarter mile of the site along S. Miami Boulevard (NC 54) via Triangle Transit Route 201.

Table G3. Utility Impacts
This site will be served by City water and County sewer pending Utility Extension Agreement and Annexation.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students; residential is not permitted on the development plan. This represents a decrease of six students from the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,794	7,760	10,259
Maximum Building Capacity (110% of Building Capacity)	18,473	8,536	11,285
20 th Day Attendance (2014-15 School Year)	16,545	7,465	10,074
Committed to Date (October 2011 – September 2014)	68	19	-35
Available Capacity	1,860	1,052	1,246
Potential Students Generated – Current Zoning*	3	1	2
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-3	-1	-2

*Assumption- (Max Use of Existing Zoning) – RR: 8 single-family lots, CN: 17 apartments

**Assumption- (Max Use of Existing Zoning) –no residential permitted

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 50,000 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 46,805 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.17 MGD
Approved Zoning Map Changes (October 2011 – September 2014)	0.13 MGD
Available Capacity	9.70 MGD
Estimated Water Demand Under Present Zoning*	3,195 GPD
Potential Water Demand Under Proposed Zoning**	50,000 GPD
Potential Impact of Zoning Map Change	+46,805

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RR: 8 single-family lots, CN: 17 apartments

**Assumption- (Max Use of Existing Zoning) – CG (D): 400,000 square feet of commercial floor area